

PLANNING REPORT FOR DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT

45 and 47 Bougainvillea Street, Cooya Beach



PR150459-1
V2
30 November 2021

REPORT

Document status

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Approval for issue

Mark Carter



30 November 2021

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SUMMARY

Site Details

Site Address:	45 and 47 Bougainvillea Street, Cooya Beach
Real Property Description:	Lots 6 and 7 on RP708588
Site Area:	Lot 6 on RP708588 – 2,023m ² Lot 7 on RP708588 – 2,023m ²
Applicable Planning Instrument/s:	Douglas Shire Planning Scheme 2018
Owner(s):	Lot 6 on RP708588 – DEBORAH JEAN MAYNARD Lot 7 on RP708588 – REINOUT ABELE WILLEM POSMA SUSAN POSMA

Application Details

Permit Type Sought:	Development Permit
Application Type/Description:	Reconfiguring a Lot for Boundary Realignment (2 Lots into 2 Lots)
Assessment Manager:	Douglas Shire Council
Level of Assessment:	Code
Referrals:	Nil

Consultation

Entity name and representative (including role):	Douglas Shire Council – Jenny Elphinstone
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Applicant Contact Details

Applicant Contact Person:	Mark Carter – North Queensland Planning Coordinator mark.carter@rpsgroup.com.au D +61 7 4750 9636 M +61 0408 883 228 Stacey Devaney Planner Stacey.devaney@rpsgroup.com.au D +61 742 761 033
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1 INTRODUCTION

RPS Australia East Pty Ltd (RPS) has been engaged by Reinout and Susan Posma to prepare and lodge a development application seeking development approval for the reconfiguring of land at 45 and 47 Bougainvillea Street, Cooya Beach for a boundary realignment (2 Lots into 2 lots). The subject site is more formally described as Lot 6 and Lot 7 on RP708588. Both lots have an area of 2,023m².

This development application seeks:

- Development Permit for Reconfiguring a Lot for a Boundary Realignment (2 Lots into 2 Lots).

The proposal involves:

- Reconfiguring the boundaries of the existing Lots 6 and 7 on RP708588 to change the size and arrangement of the subject lots to enable Lot 7 to gain additional area at the rear of Lot 6;
- Proposed Lot 6 will comprise an area of 1,125m² and will contain the existing detached dwelling; and
- Proposed Lot 7 will comprise an area of 2,914m² and the existing detached dwelling and ancillary outbuildings

Under the Douglas Shire Planning Scheme 2018 v1.0, the subject site is located with the “Low Density Residential” Zone. The subject site is also within the Cooya Beach Local Plan Area. The proposal is subject to code assessment.

This report provides greater detail on the nature of the proposal and provides an assessment of the proposal against the intents and code requirements of relevant statutory planning documents. Technical issues associated with the proposal are addressed in appended technical reports.

Based on these assessments the proposal is recommended for approval subject to reasonable and relevant conditions.

2 SITE DETAILS

2.1 Site Location

The subject site is located within the suburb of Cooya Beach, which is a coastal residential community approximately 18km drive north of Port Douglas within the Douglas Shire local government area, refer to Figure 1.



Figure 1: Site Context Map

Source: Queensland Globe 2021

2.2 Site Particulars

The site particulars are detailed in Table 1 with an aerial map of the site found in Figure 2.

Table 1: Site Particulars

Address	45 and 47 Bougainvillea Street, Cooya Beach
Real Property Description	Lot 6 and Lot 7 on RP708588
Site Area	4,046m ² (Lot 6 – 2,023m ² and Lot 7 – 2,023m ²)
Encumbrances	Nil
Existing use of site	<ul style="list-style-type: none"> Lot 6 on RP708588 - detached dwelling Lot 7 on RP708588 – detached dwelling and ancillary outbuilding
Contaminated land Register	The subject site is not on the Contaminated Land Register (CLR) or the Environmental Management Register (EMR). Refer to Appendix B
Topography	The subject site is relatively flat.
Vegetation	Mature trees exist across both lots
Waterways	The site does not contain any waterways.
Road frontages	<ul style="list-style-type: none"> Lot 6 has frontage to Bougainvillea Street of approximately 20m Lot 7 has frontage to Bougainvillea Street of approximately 20m

REPORT

Services	<ul style="list-style-type: none">• The site is located within an area serviced by available urban services, including reticulated water, electricity and telecommunications.• The subject site contains an on-site wastewater treatment system.
Heritage	No known areas of heritage.
Surrounding land uses	The surrounding area is typified by existing Low Density Residential development
Previous Approvals	None.

Relevant searches of the site including Certificate/s of title and Contaminated land Searches documents can be found in Appendix B.



Figure 2: Site Location

Source: Douglas Shire Planning Scheme 2018

3 BACKGROUND

3.1 Pre-lodgement History

3.1.1 Local Authority Engagement

RPS sought pre-lodgement advice from Douglas Shire Council prior to the lodgement of this application. After this request, Council Planner Jenny Elphinstone provided email correspondence, (refer to Appendix E), which suggested Council's support for the proposed reconfiguration of lots. Council pre-lodgement advice may be summarised as follows:

- The proposal appears consistent with the minimum lot size and the shape of lots for an unsewered area within the Low Density Residential Zone;
- The applicant should demonstrate the position of the on-site wastewater treatment system servicing the dwellings on both Lot 6 and Lot 7 on RP708588 and ensure that the new boundary is sufficiently setback from the existing on-site effluent treatment system currently servicing the dwelling on Lot 6 on RP708588; and
- In relation to the Flood and Storm Overlay, Council notes that the dwellings are existing on both Lot 6 and Lot 7.

The applicant acknowledges Council comments/advice and has addressed these in preparation of the Subdivision Proposal Plan, provided in Appendix C and discussed further in this report.

4 PROPOSAL DETAIL

The proposed development seeks to realign the internal boundary between Lot 6 and Lot 7 on RP708588 for the purposes of encapsulating the land behind the existing dwelling on Lot 6 to form part of the Proposed Lot 7 property. The existing access points for both Lot 6 and Lot 7 from Bougainvillea Street will be maintained as part of the proposed development.

The proposed realignment seeks to create the lot sizes to be consistent with the Planning Scheme provisions. The proposed reconfiguration is depicted within RPS Drawing No. PR149451-1 dated 11/10/2021, found in Appendix C. The Proposed Lot 6 area is 1,126m² with proposed Lot 7 retaining the balance of the site, having an area of 2,914 m².

4.1 Services

4.1.1 Sewer

The subject site is not located within a reticulated sewer area. On-site sewerage treatment facilities exist for both existing properties. The lot 6 landowner has indicated the septic system is located under the house (which is on stilts), and the transpiration area runs down the side of the dwelling. The lot 7 system is located in the front portion of the lot. The proposed reconfiguration will ensure the proposed new lot boundaries are sufficiently setback from the transpiration trenches.

4.1.2 Water Supply

The subject site is adequately serviced by Council's reticulated water supply and will not require augmentation because of this reconfiguration of the lots.

4.1.3 Stormwater Management

The subject land is considered very flat in nature and does not have any defined natural drainage channels or flows identifiable across it. Due to the large size of the site which will have predominantly permeable surfaces (i.e. grass and vegetated lands), the requirement to direct flows or establish legal points of discharge in the form of inter-allotment drainage easements is unwarranted. There are existing easements (ie EMT A on RP733088, EMT B on RP748115, EMT C on RP748115) which are in favour of Council for the purposes of drainage and sewer. This infers that any flows from the site have a legal point of discharge to these easements.

4.1.4 Electricity and Telecommunications

The subject site is currently developed with a detached dwelling located on Lot 6 on RP708588 and a detached dwelling and ancillary outbuildings on Lot 7 on RP708588. The necessary infrastructure and connections for electricity services do not need to be augmented to facilitate the boundary realignment.

Preliminary review of NBN Co services, indicates that the subject site is serviced by fixed wireless broadband connection, but do not need to be augmented to facilitate the boundary realignment.

4.1.5 Managing Flood Risk

The proposed boundary realignment does not increase risk to people or property as all dwellings are existing and will not be relocated because of the subdivision. On this basis the proposal manages the flood risk appropriately.

4.1.6 Earthworks

No earthworks are proposed as part of this development.

5 PLANNING ASSESSMENT

5.1 Applicable Act/s

The *Planning Act 2016* and its subordinate legislation is the applicable act for the assessment of this development application.

5.2 State Planning Policy

Section 26(2)(a)(ii) of the *Planning Regulation 2017* requires that the code assessment must be carried out against the State Planning Policy, Part E, to the extent Part E is not identified in the planning scheme as having been appropriately integrated.

A review of the changes within the SPP are not considered to impact the proposals compliance with the SPP.

5.3 Temporary State Planning Policy

Section 26(2)(a)(iii) of the *Planning Regulation 2017* requires that the code assessment must be carried out against any temporary State Planning Policy applying to the premises.

In this instance no temporary State planning policies apply.

5.4 Regional Plan

Section 30 of the *Planning Regulation 2017* requires that the code assessment of this application must be carried out against the assessment benchmarks stated in the regional plan, to the extent the regional plan is not identified in the planning scheme as having been appropriately integrated.

The subject is located within the Far North Qld Regional Plan, and it has been acknowledged by the Minister that the Douglas Shire Planning Scheme 2018 (Version 1.0) advances this Regional Plan appropriately. On this basis no further assessment against the FNQ Regional Plan is required.

5.5 State interests (referrals)

In accordance with Schedule 10 of the *Planning Regulation 2017*, there are no referrals applicable to the proposed development.

5.6 Development Assessment under Schedule 10 (SDAP)

Schedule 10 of the *Planning Regulation 2017* identify the matters that the assessment manager and/or referral agency assessment must have regard to.

The State Development Assessment Provisions (SDAP) nominate applicable State Codes based on the referral triggers. Given that there are no referral triggers, SDAP assessment is not required.

5.7 Local Planning Assessment Provisions

5.7.1 Applicable Assessment Instrument

The local planning assessment provisions are summarised in Table 2.

Table 2: local planning assessment provisions summary

Douglas Shire Planning Scheme 2018 v1.0	
Zoning:	Low Density Residential
Local Plan	Coastal Communities Local Plan – Cooya Beach

Douglas Shire Planning Scheme 2018 v1.0**Overlays:**

- Acid Sulfate Soils
 - Acid Sulfate Soils (<5m AHD)
- Bushfire Hazard Overlay
 - Potential Impact Buffer
- Coastal Processes
 - Erosion Prone Area
- Flood and Storm Tide Inundation Overlay
 - Storm Tide – Medium Hazard
 - Floodplain Assessment Overlay (Mossman River)
- Landscape Values Overlay
 - Coastal Scenery
- Transport Network (Road Hierarchy) Overlay
 - Collector Road
- Transport Pedestrian Cycle Overlay
 - Neighbourhood Route

5.7.2 Applicable Assessment Instrument

The Douglas Shire Planning Scheme 2018 (version 1.0) is the applicable Local Categorising Instrument for this development application.

In accordance with Schedule 8 of the *Planning Regulation 2017*, the assessment manager for this application is Douglas Shire Council.

5.7.3 Zone/Local Plan Area

The subject site is located within the Low-Density Residential Zone (refer to Figure 3) and the Coastal Communities Local Plan – (Cooya Beach) (refer to Figure 4) of the Douglas Shire Planning Scheme 2018.

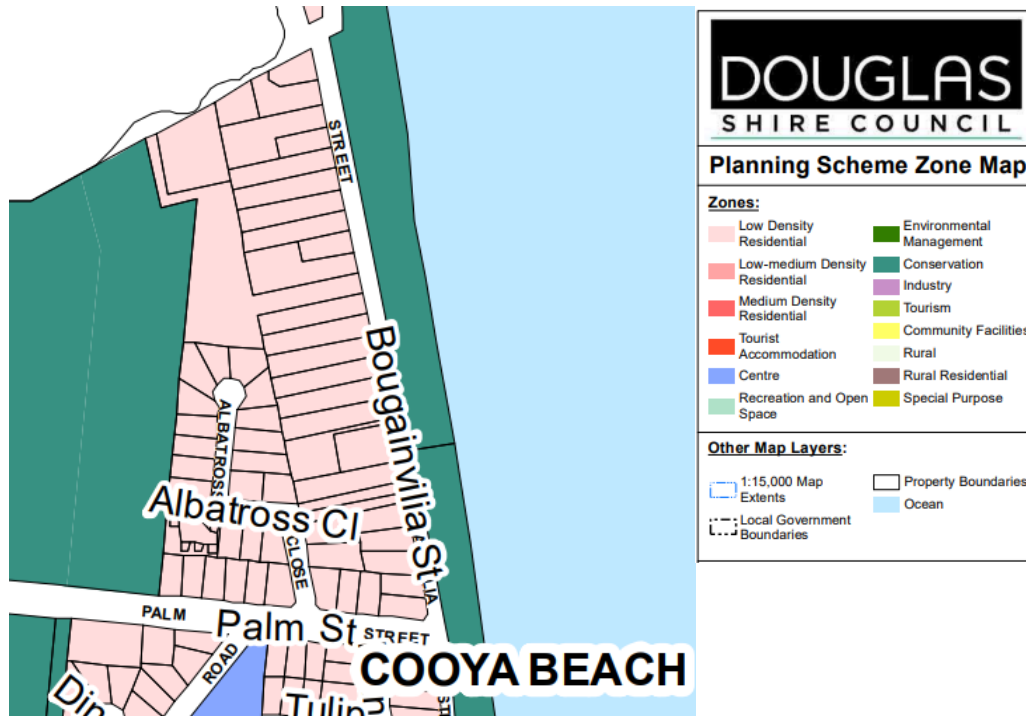


Figure 3: Zoning Map

Source: Douglas Shire Planning Scheme 2018

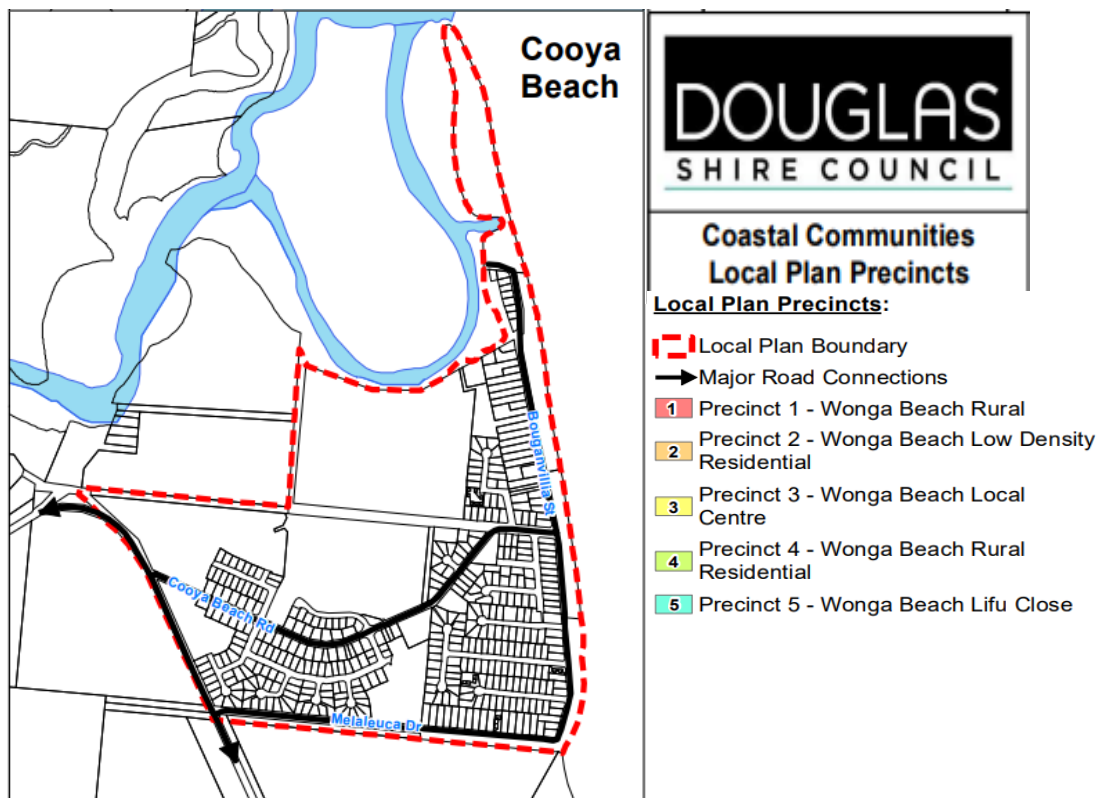


Figure 4: Local Plan Map

Source: Douglas Shire Planning Scheme 2018

5.7.4 Level of Assessment

Pursuant to the Tables of Assessment for the 'Low Density Residential Zone' within the Planning Scheme, the proposal triggers Code Assessment.

5.7.5 Overlays

Overlays affecting the site are listed in Table 2 with maps of each overlay provided in Figure 5 to Figure 11. Detail of a response to the relevant overlay code is provided in Table 3.

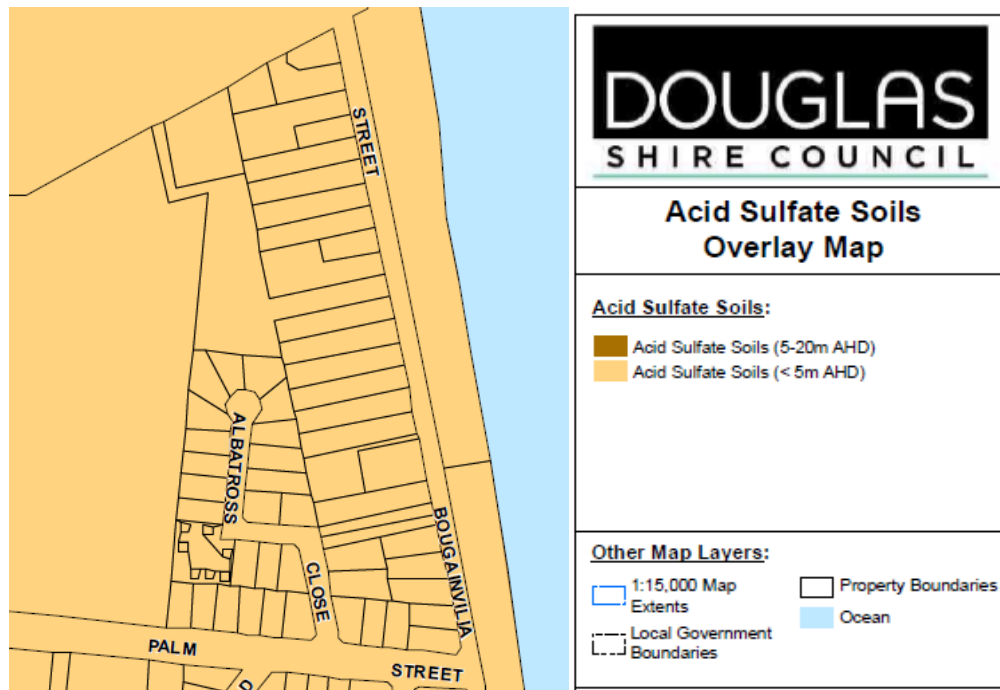


Figure 5: Acid Sulfate Soils Overlay

Source: Douglas Shire Planning Scheme 2018

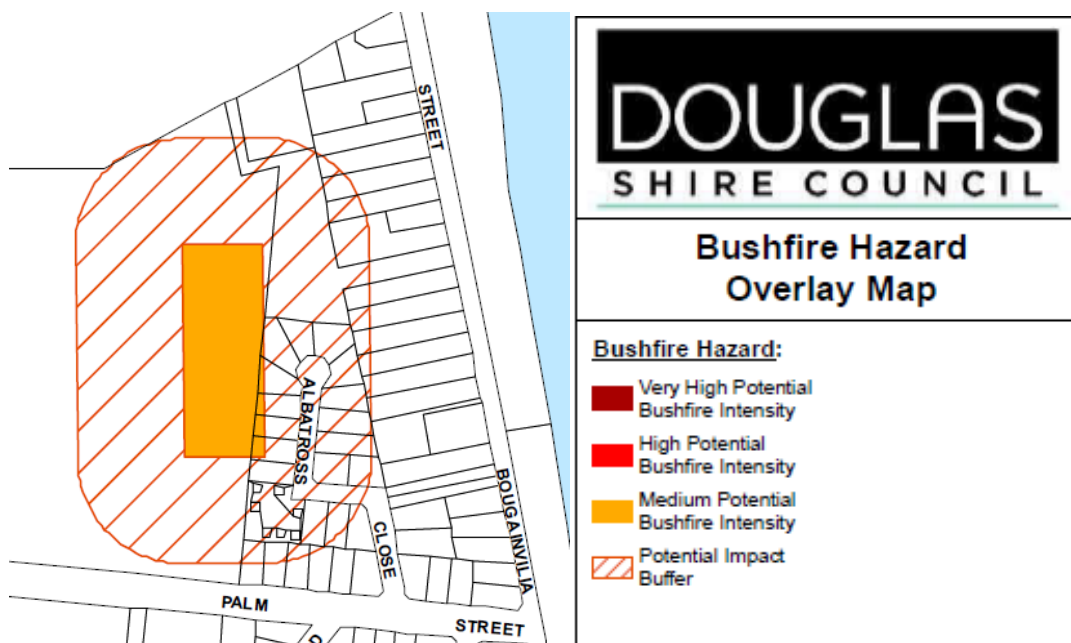


Figure 6: Bushfire Overlay

Source: Douglas Shire Planning Scheme 2018

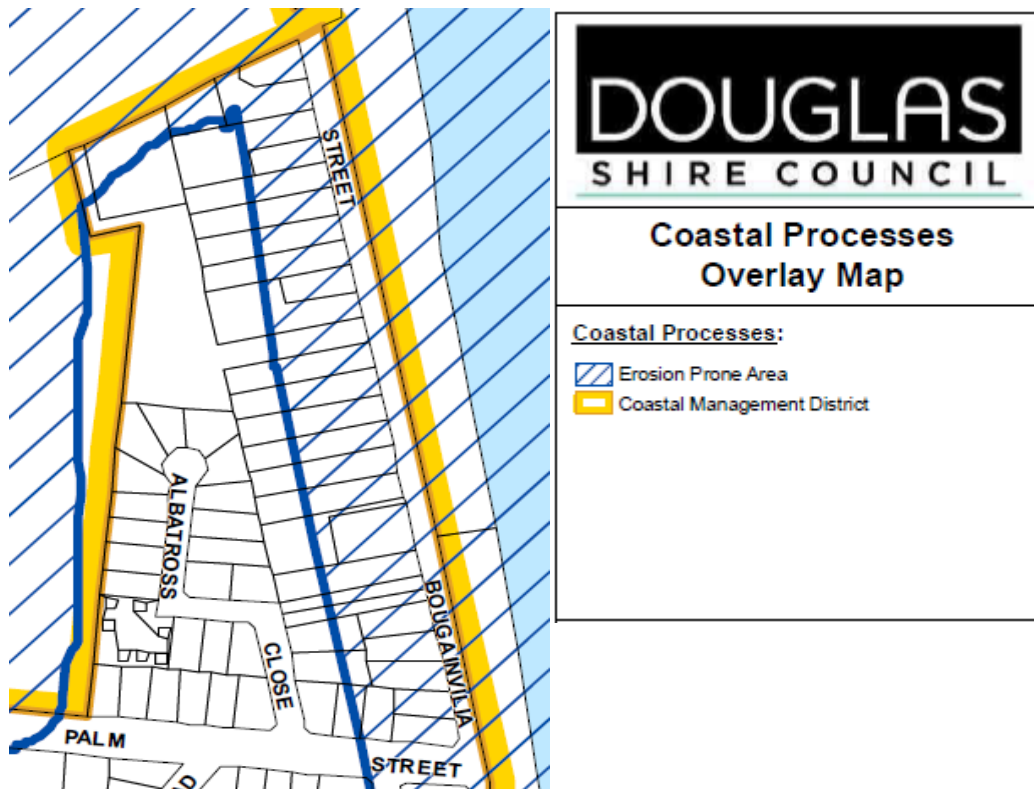


Figure 7: Coastal Processes Overlay

Source: Douglas Shire Planning Scheme 2018

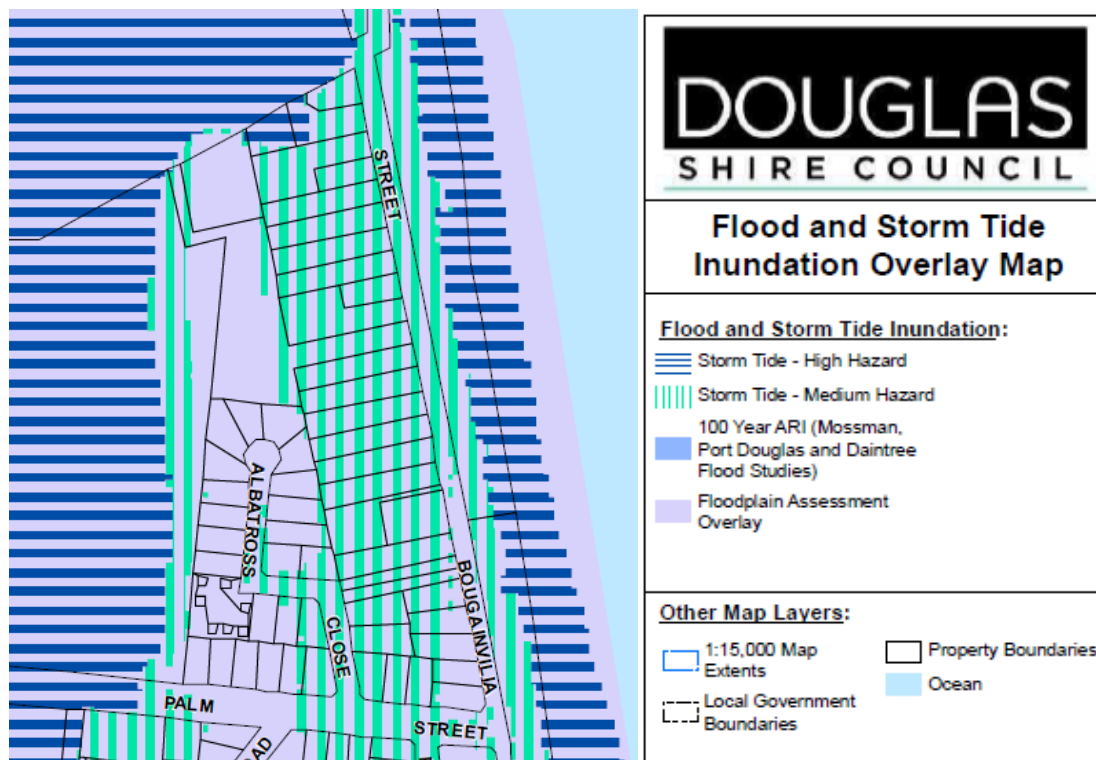


Figure 8: Flood and Storm Tide Inundation Overlay

Source: Douglas Shire Planning Scheme 2018

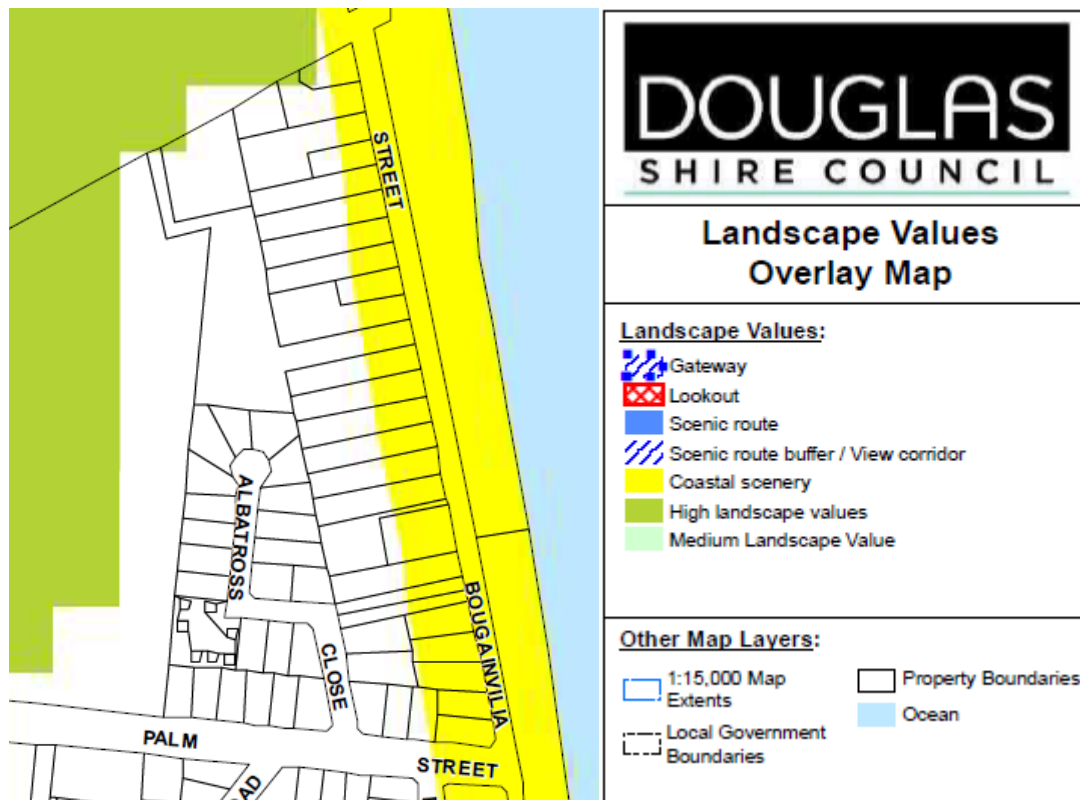


Figure 9: Landscape Values Overlay

Source: Douglas Shire Planning Scheme 2018

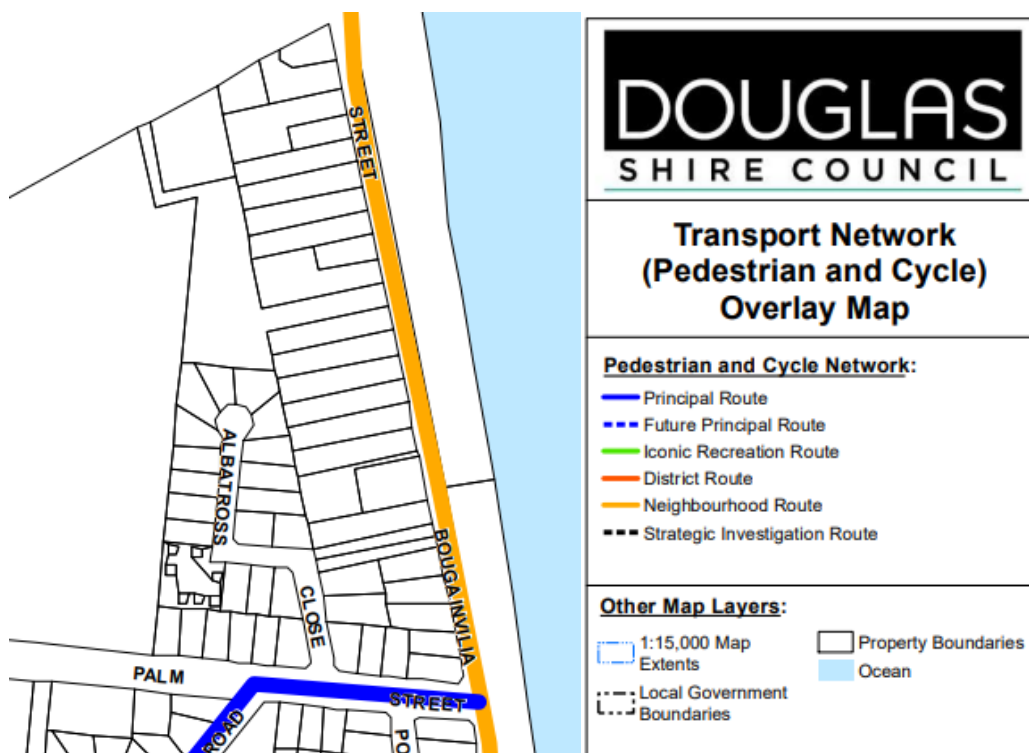


Figure 10: Transport Network (Pedestrian and Cycle) Overlay

Source: Douglas Shire Planning Scheme 2018

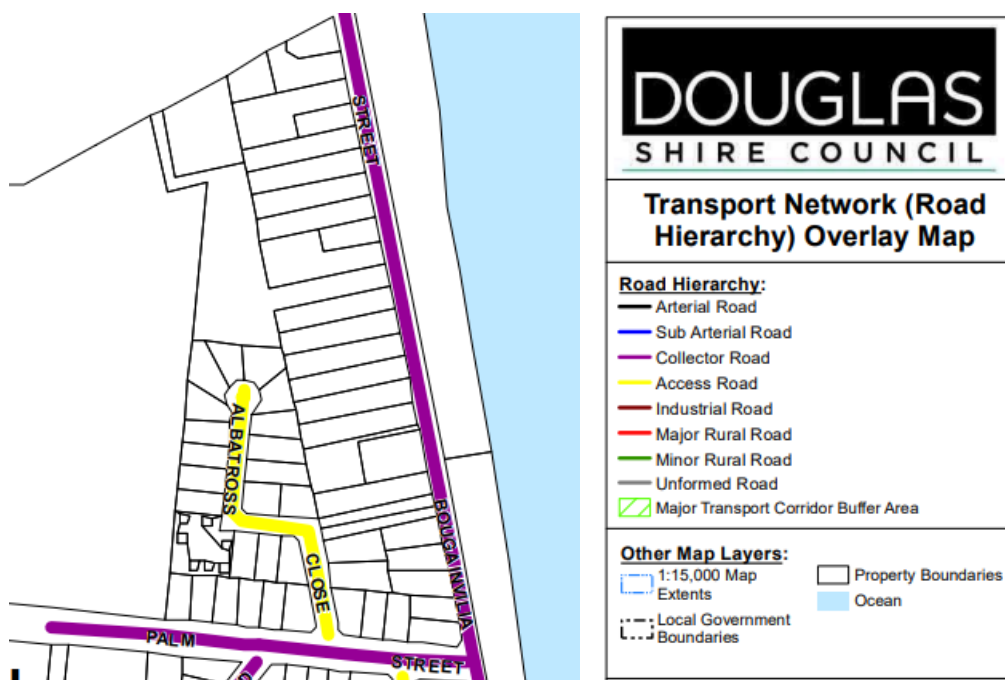


Figure 11: Transport Network (Road Hierarchy) Overlay Map

Source: Douglas Shire Planning Scheme 2018

5.7.6 Codes

The planning scheme codes applicable to the proposal, and the location of the relevant code response are identified in Table 3.

Table 3: Planning scheme code responses

Planning scheme codes	Response
Zone Code	
Low Density Residential Zone Code	A response to this code can be found in Appendix D
Local Plan Code	
Coastal Communities Local Plan Code	A response to this code can be found in Appendix D
Development Codes	
Filling and Excavation Code	No operational works are proposed as part of this application, therefore no response to the code is required.
Infrastructure Works Code	No new infrastructure is required for the subdivision, therefore no response to this code is required.
Landscaping Code	The proposal is simply for reconfiguring a lot. No further development will be undertaken as part of this proposal, therefore there is no requirements for the provision of landscape works and no further assessment against this code is required.
Vegetation Management Code	The proposed development is solely for Reconfiguring a Lot (Boundary realignment), no vegetation will be impacted, therefore a response to this code is not required.
Reconfiguring a Lot Code	A response to this code can be found in Appendix D
Overlay Codes	

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Planning scheme codes	Response
Acid Sulfate Soils Overlay Code	The proposed development relates solely to reconfiguring a lot (Boundary realignment). There is no intent to undertake any earthworks as part of this proposal, therefore no response to this code is required.
Bushfire Hazard Overlay Code	The proposed development relates solely to reconfiguring a lot to realign the boundary with all existing dwellings to remain, thus no increasing the risk to people and property to bushfire risk. It is also not the bushfire risk area is an isolated patch of vegetation within an existing urban area, therefore the risk from bushfire is considered lot. On this basis, no response to this code is required.
Coastal Processes Overlay Code	The proposed development relates solely to reconfiguring a lot to realign the boundary. Whilst it is noted that the subject site is located partially within the erosion prone area of Coastal Management District, it is not anticipated that the proposal will result in increased risk given the existing dwellings remain. On this basis, no response to this code is required.
Flood and Storm Tide Inundation Overlay Code	The proposal relates to reconfiguring a lot to realign boundaries. The proposal will not impact existing flood hazard areas for the subject site and is not expected to directly, indirectly or cumulatively increase the severity of flood impacts on either the subject site or adjoining properties. On this basis, no further assessment against this code is required.
Landscape Values Overlay Code	The proposed development relates solely to reconfiguring a lot (Boundary realignment). Whilst the subject site is partially located within the Coastal Scenery Landscape Value Area, the proposal will retain the existing dwellings and there will be no additional impacts upon landscape values. On this basis, no response to this code is required.
Transport Network (Pedestrian and Cycle) Overlay Code	The proposed boundary realignment does not change the intensity of traffic, nor changes any roads. On this basis, no response to this code is required.
Transport Network (Road Hierarchy) Overlay Code	The proposed development is solely to realign the boundaries and will not impact operation of the transport network. On this basis, no response to this code is required.

6 CONCLUSION

This town planning report supports a development application made by RPS on behalf of Reinout and Susan Posma to Douglas Shire Council seeking a Development Permit for Reconfiguring a Lot for Boundary Realignment (2 into 2 Lots), over land located at 45 and 47 Bougainvillea Street, Cooya Beach, more formally described as Lot 6 and Lot 7 on RP708588.

The application is subject to code assessment.

This report has demonstrated the proposal's consistency with the intents and code requirements of Douglas Shire Planning Scheme 2018 (v1.0).

Approval is sought subject to reasonable and relevant conditions.

Appendix A DA Form 1 and Landowner's consent

DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Reinout and Susan Posma c/- RPS
Contact name (only applicable for companies)	Mark Carter - RPS
Postal address (P.O. Box or street address)	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4031 1336
Email address (non-mandatory)	mark.carter@rpsgroup.com.au ; stacey.devaney@rpsgroup.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	PR150459

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input type="checkbox"/> No – proceed to 3)	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

- ☒ Street address **AND** lot on plan (all lots must be listed), **or**
☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		45	Bougainvillea Street	Cooya Beach
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	6	RP708588	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		47	Bougainvillea Street	Cooya Beach
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	7	RP708588	Douglas Shire Council

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

- ☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

- ☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

- ☐ Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application
☒ Not required

4) Identify any of the following that apply to the premises and provide any relevant details

<input type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer	
Name of water body, watercourse or aquifer:	
<input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i>	
Lot on plan description of strategic port land:	
Name of port authority for the lot:	
<input type="checkbox"/> In a tidal area	
Name of local government for the tidal area (if applicable):	
Name of port authority for tidal area (if applicable):	
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	
Name of airport:	

<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use ☒ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☒ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☒ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Reconfiguring a Lot (Boundary realignment 2 Lots into 2 Lots)

e) Relevant plans

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).

- ☒ Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☐ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

e) Relevant plans

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

- ☐ Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- ☒ Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete DA Form 2 – Building work details

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input type="checkbox"/> No			

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?	
2	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input checked="" type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13))

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				
10.2) Will the subdivision be staged?				
<input type="checkbox"/> Yes – provide additional details below				
<input type="checkbox"/> No				
How many stages will the works include?				
What stage(s) will this development application apply to?				

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
Lot 6 on RP708588	2023	Proposed Lot 6	1126
Lot 7 on RP708588	2023	Proposed Lot 7	2914
12.2) What is the reason for the boundary realignment?			
Increasing land area for lot 7 owner.			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?	
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$	

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Douglas Shire Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached <input checked="" type="checkbox"/> No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

☒ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material (*from a watercourse or lake*)
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees (*category 3 levees only*)
- ☐ Wetland protection area

Matters requiring referral to the **local government:**

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:
<input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to:
<ul style="list-style-type: none"> • The Chief Executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual
<input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council:
<input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the <i>Transport Infrastructure Act 1994</i>:
<input type="checkbox"/> Ports – Brisbane core port land <i>(where inconsistent with the Brisbane port LUP for transport reasons)</i>
<input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator , if applicant is not port operator:
<input type="checkbox"/> Ports – Land within Port of Brisbane's port limits <i>(below high-water mark)</i>
Matters requiring referral to the Chief Executive of the relevant port authority:
<input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i>
Matters requiring referral to the Gold Coast Waterways Authority:
<input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>
Matters requiring referral to the Queensland Fire and Emergency Service:
<input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i>

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application <i>(if applicable)</i> .		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/> I do not agree to accept an information request for this development application
Note: By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> • that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties • Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules. Further advice about information requests is contained in the DA Forms Guide .

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

- ☐ Yes – provide details below or include details in a schedule to this development application
☒ No

List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application
☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- ☐ Yes – show cause or enforcement notice is attached
☒ No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
☒ No

Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- ☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

- ☐ Yes – *Form 69: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
☒ No

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☒ No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

☒ No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala habitat in SEQ Region

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

☐ Yes – the development application involves premises in the koala habitat area in the koala priority area

☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area

☒ No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.des.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000**?

☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☒ No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works**?

☐ Yes – the relevant template is completed and attached to this development application

☒ No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ No

Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?

- ☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application
☒ No

Note: See guidance materials at www.dnrme.qld.gov.au for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 - ☐ A certificate of title
- ☒ No

Note: See guidance materials at www.des.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- ☐ Yes – details of the heritage place are provided in the table below
☒ No

Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
-----------------------------	--	-----------	--

Brothels

23.14) Does this development application involve a **material change of use for a brothel**?

- ☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
☒ No

Decision under section 62 of the Transport Infrastructure Act 1994

23.15) Does this development application involve new or changed access to a state-controlled road?

- ☐ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
☒ No

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

☒ No

Note: See guidance materials at www.planning.dsdmip.qld.gov.au for further information.

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

☐ Yes

☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

☒ Yes

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

☒ Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

☐ Yes

☒ Not applicable

25) Applicant declaration

☒ By making this development application, I declare that all information in this development application is true and correct

☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work	
QLeave project number	
Amount paid (\$)	Date paid (dd/mm/yy)
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

Individual owner's consent for making a development application under the *Planning Act 2016*

I, Deborah Jean Maynard

as owner of the premises identified as follows:

Lot 6 on RP708588

consent to the making of a development application under the *Planning Act 2016* by:

RPS Australia East Pty Ltd (RPS)

on the premises described above for:

Reconfiguring a Lot for a Boundary Realignment (2 Lots into 2 Lots)

DJ Maynard
21/9/21

[signature of owner and
date signed]

Individual owner's consent for making a development application under the *Planning Act 2016*

I, REINOUT ABELE WILLEM POSMA

And

I, SUSAN POSMA

as owners of the premises identified as follows:

Lot 7 on RP708588

consent to the making of a development application under the *Planning Act 2016* by:

RPS Australia East Pty Ltd (RPS)

on the premises described above for:

Reconfiguring a Lot for a Boundary Realignment (2 Lots into 2 Lots)

R Posma

27/9/21

(signature of owners and
date signed)

S. Posma

27-9-21

Appendix B Searches

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	20720075	Search Date:	14/09/2021 07:57
Date Title Created:	19/12/1966	Request No:	38538660
Previous Title:	20296176		

ESTATE AND LAND

Estate in Fee Simple

LOT 6 REGISTERED PLAN 708588
Local Government: DOUGLAS

REGISTERED OWNER

Dealing No: 700143611 03/08/1994

DEBORAH JEAN MAYNARD

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20219105 (POR 15)

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Corrections have occurred - Refer to Historical Search

** End of Current Title Search **

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	21068179	Search Date:	14/09/2021 07:58
Date Title Created:	02/05/1978	Request No:	38538670
Previous Title:	20336089		

ESTATE AND LAND

Estate in Fee Simple

LOT 7 REGISTERED PLAN 708588
Local Government: DOUGLAS

REGISTERED OWNER

Dealing No: 710976623 07/09/2007

REINOUT ABELE WILLEM POSMA
SUSAN POSMA

JOINT TENANTS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20219105 (POR 15)

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

** End of Current Title Search **



Department of Environment and Science (DES)
ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454, Brisbane QLD 4001, AUSTRALIA
www.des.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Angus Scown
Ann st
Brisbane QLD 4001

Transaction ID: 50740926 EMR Site Id: 30 November 2021
Cheque Number:
Client Reference:

This response relates to a search request received for the site:

Lot: 6 Plan: RP708588
45 BOUGAINVILIA ST
COOYA BEACH

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if DES has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DES has not been notified

If you have any queries in relation to this search please phone 13QGOV (13 74 68)

Administering Authority



Department of Environment and Science (DES)
ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454, Brisbane QLD 4001, AUSTRALIA
www.des.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Angus Scown
Ann st
Brisbane QLD 4001

Transaction ID: 50740925 EMR Site Id: 30 November 2021
Cheque Number:
Client Reference:

This response relates to a search request received for the site:

Lot: 7 Plan: RP708588
47 BOUGAINVILIA ST
COOYA BEACH

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if DES has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DES has not been notified

If you have any queries in relation to this search please phone 13QGOV (13 74 68)

Administering Authority

N898790

REJECTED
Date 19 MAR 1978
Signed
Dep. Registrar of Titles

N914013

N941589

MEMORANDUM OF GRANT OF EASEMENT

WILLIAM GORDON WILLIAMS

Grantor

THE COUNCIL OF THE SHIRE OF DOUGLAS

Grantee

Drainage Purposes

Particulars entered in the Register

Book Vol. N7113 Fol. 150 the

day of 1978

at 10.20 am 11 JUL 1980

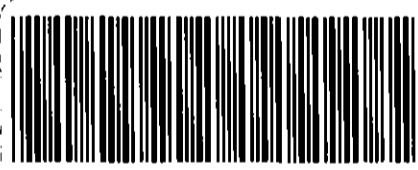
J.B. Jones

Deputy Registrar of Titles
Northern District Registry

RECEIVED
28 MAY 1979
11-20

26595

612 601532293



N941589 EAS IN GROSS

MEMORANDUM OF ENCUMBRANCES
LIENS AND INTERESTS

Easement N941589

STAMP DUTIES OFFICE
03 JUL 1978 * 25.059.1978
TOWNSVILLE

ESE
N 941589

Received *one* deed mentioned hereina

CONNOLLY SUTHERS & WALKER
SOLICITORS

14.780

CONNOLLY SUTHERS & WALKER
SOLICITORS
84-92 DENHAM STREET
TOWNSVILLE

D.A. GREER & ASSOCIATES
SOLICITORS,
FRONT STREET,
MOSSMAN.

3.25 REQUISITION FEE
23 MAY 1980
E. 11569

RECEIVED
11 05 AM '78

RECEIVED
FEB 27 3 06 PM '80

Queensland

MEMORANDUM OF GRANT OF EASEMENT

117 NOV 28 -78

THIS INDENTURE is made the *twenty-fourth* day of *October* One thousand nine hundred and seventy eight BETWEEN WILLIAM GORDON WILLIAMS of Boonah in the State of Queensland (hereinafter called "the Grantor") of the one part AND THE COUNCIL OF THE SHIRE OF DOUGLAS a Local Authority duly constituted under the provisions of the Local Government Act 1936-1978 (hereinafter called "the Grantee") of the other part WITNESS that the Grantor being or about to become the registered proprietor of an estate in fee simple SUBJECT HOWEVER to such encumbrances liens and interests as are notified by memorandum endorsed hereon in all that piece of land described in the First Schedule hereto namely :

THE FIRST SCHEDULE

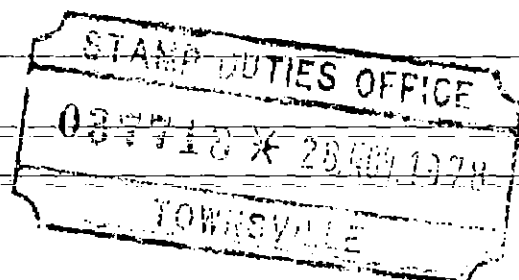
C/T.	Vol.	Fol.	County	Parish	Description	Area Hectares
			Solander	✓ Victory	✓ Lot 2 on Registered Plan No. 33088 ✓	1.126

DO HEREBY GRANT unto the Grantee and its successors forever hereafter ALL THAT the ~~free and exclusive~~ right of using those parts of the above described land described in the Second Schedule hereto namely:-

THE SECOND SCHEDULE

C/T.	Vol.	Fol.	County	Parish	Description	Area m ²
			Solander	✓ Victory	✓ Easement A in Lot 2 on Registered Plan No. 33088	1209 m ²

(which said part is hereinafter referred to as "the said Easement area") or any part or parts thereof for drainage purposes AND all that the ~~free and exclusive~~ right of filling in the said Easement area or any part or parts thereof and of excavating therein and erecting constructing and maintaining above or below or partly above and partly below the surface of the same sewers and/or



2.

drains and all appurtenances thereof for the passage or conveyance of water (including storm-water) sewerage filling material and all kinds of waste matter AND with liberty to the Grantee and its successors by its or their officers servants agents and workmen with or without plant and materials to enter upon the said Easement areas at all times for the purpose of removing and disposing of spoil constructing extending deepening widening maintaining and repairing the said sewers and/or drains and all appurtenances thereof and for the purpose of keeping the same in good order and condition and for all other lawful purposes incidental thereto PROVIDED THAT the Grantees and its successors shall not be obliged to use the said Easement area for the purposes aforesaid nor to exercise or do any or all the powers or things herein mentioned but shall be at liberty to do so from time to time at its or their pleasure and to such extent as it or they may think fit AND that the Grantor shall at all times have the right to the flow of surface roof and other water from the said land of the Grantor into and over the said Easement areas and to the drain or drains now or hereafter to be constructed or maintained thereon PROVIDED ALWAYS that all and any excavations sewers drains channels or other works of whatsoever nature erected constructed or executed by the Grantor on ~~this~~ said lands or any part or parts thereof for the purposes of the exercise by him of the right to the flow of surface roof and other water as aforesaid shall be erected constructed or executed to the satisfaction of the Grantee BUT IT IS EXPRESSLY PROVIDED that the Grantor shall not erect any building or structural erection upon or over the said Easement area or any part thereof without the prior consent in writing of the Grantee.

IN WITNESS WHEREOF the Grantor has hereunto signed his name and the Corporate Seal of the Grantee has been hereunto affixed the day and year first hereinbefore written.

SIGNED by the said WILLIAM GORDON WILLIAMS in the presence of:

RAY CAMERON CURRIE
A Justice of the Peace

THE COMMON SEAL of the COUNCIL OF THE SHIRE OF DOUGLAS was hereto affixed the 24th day of October 1978 under the hand of ONSLOW RUTHERFORD ANDREWS Chairman of the said Council in the presence of:

and Alan Joseph

Alan J.P.

I HEREBY CERTIFY that the Common Seal of THE COUNCIL OF THE
SHIRE OF DOUGLAS was hereunto affixed by me, and that I am the
proper officer duly authorised in that behalf.


SHIRE CLERK

Correct for the purpose of registration


Solicitor for the Grantor and Grantee

State Assessment and Referral Agency

Date: 13/09/2021



Queensland Government

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Matters of Interest for all selected Lot Plans

Coastal area - erosion prone area

Coastal area - medium storm tide inundation area

Matters of Interest by Lot Plan

Lot Plan: 6RP708588 (Area: 2023 m²)

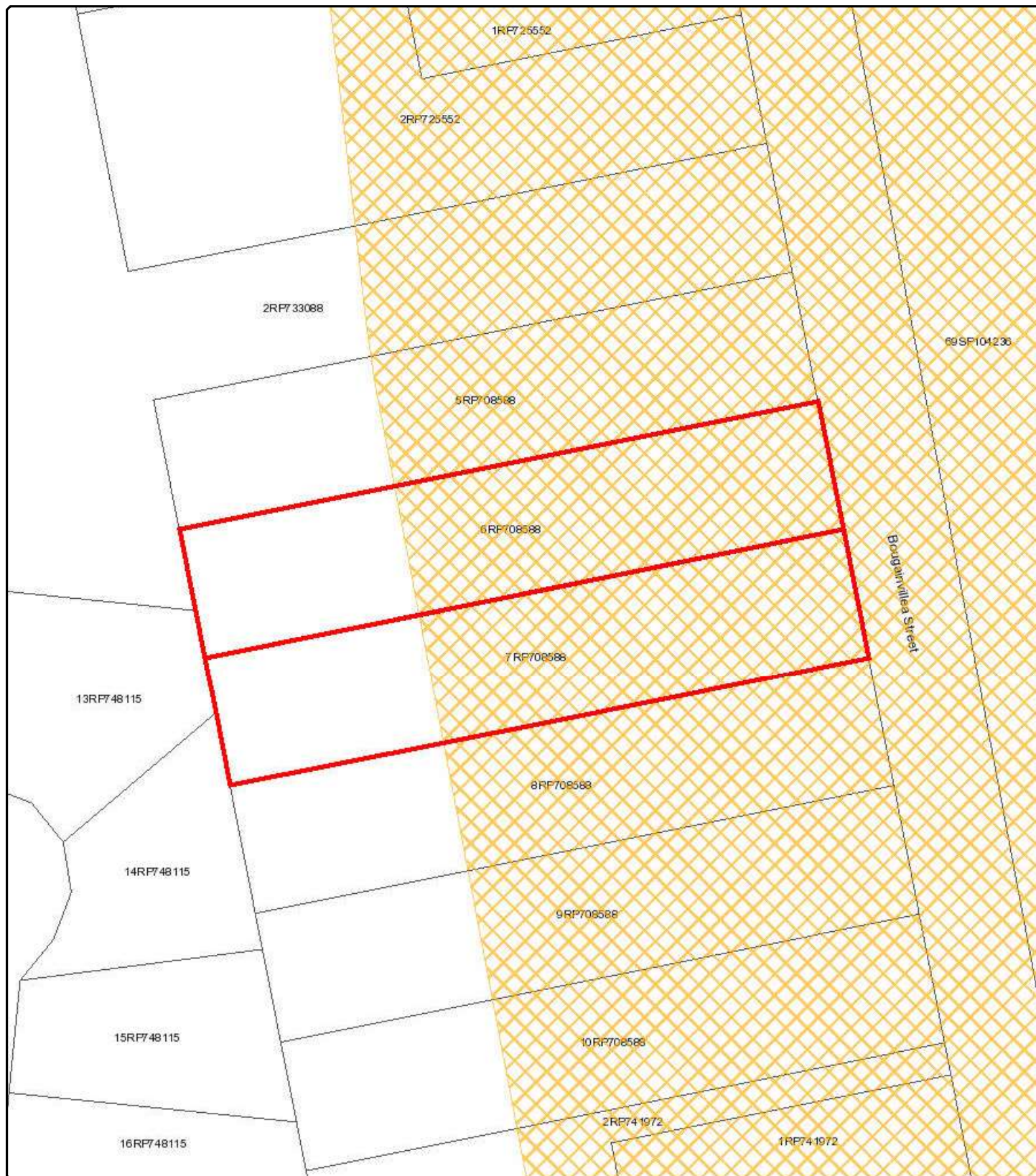
Coastal area - erosion prone area

Coastal area - medium storm tide inundation area

Lot Plan: 7RP708588 (Area: 2023 m²)

Coastal area - erosion prone area

Coastal area - medium storm tide inundation area



State Assessment and Referral Agency

Date: 13/09/2021



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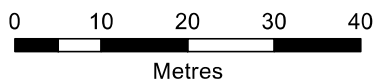


Legend

Coastal area - erosion prone area

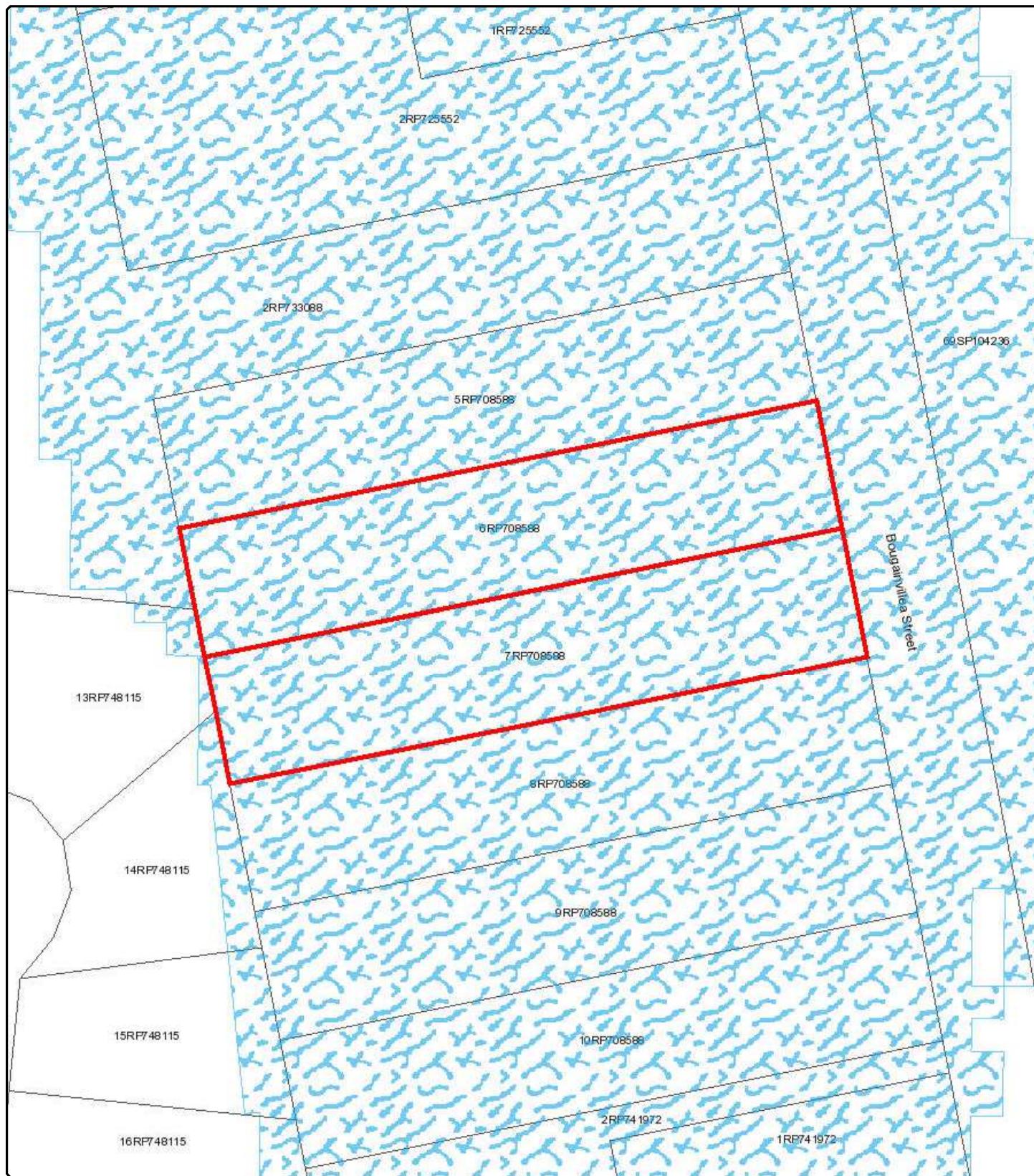


Coastal area - erosion prone area



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State Assessment and Referral Agency

Date: 13/09/2021



Queensland Government

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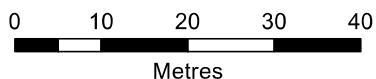


Legend

Coastal area - medium storm tide inundation area



Coastal area - medium storm tide inundation area



Disclaimer:

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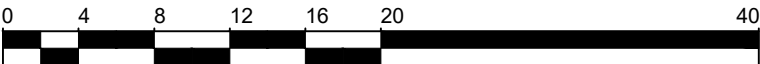
Appendix C Subdivision Proposal Plan



- IMPORTANT NOTE**
1. This plan was prepared for the sole purposes of the client for the specific purpose of accompanying an application to the Cassowary Coast Regional Council for a reconfiguration of a lot described on this plan. This plan is strictly limited to the Purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client) ("Third Party") and may not be relied on by Third Party.
 2. RPS Australia East Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:
 - A. Third Party publishing, using or relying on the plan;
 - B. RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or unreasonable;
 - C. any inaccuracies or other faults with information or data sourced from a Third Party;
 - D. RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;
 - E. the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;
 - F. lodgement of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;
 - G. the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.
 3. Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless this note is clearly displayed on the plan.
 4. Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.
 5. The dimensions, area, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.
 6. Cadastral boundaries are obtained by title dimensions and DCDB. These boundaries have not been verified and are approximate only.



Proposed Reconfiguration: Lots 6 & 7
Cancelling Lots 6 & 7 on RP708588
Bougainvillia Street, Cooya Beach



PRELIMINARY - FOR DISCUSSION PURPOSES ONLY

Datum: MGA94 Z55 | Scale: 1:400 @ A3 | Date: 11-10-2021 | Drawing: PR149451-1

RPS Australia East Pty Ltd
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Appendix D Planning Scheme Code Responses

6.2.6 Low density residential zone code

6.2.6.1 Criteria for assessment

Table 6.2.6.3.a – Low density residential zone code – assessable development

Performance outcomes		Acceptable outcomes
For self-assessable and assessable development		Comments
PO1 The height of all buildings and structures must be keeping with the residential character of the area.	AO1 Buildings and structures are not more than 8.5 metres and two storeys in height. Note – Height is inclusive of the roof height.	N/A. The proposed development is solely for reconfiguring a lot. No additional buildings or structures are proposed.
For assessable development		
PO2 The establishment of uses is consistent with the outcomes sought for the Low density residential zone and protects the zone from the intrusion of inconsistent uses.	AO2 Uses identified in Table 6.2.2.3.b are not established in the Low density residential zone.	Not applicable. The proposal is simply for reconfiguring a Lot to realign the boundaries. No new land uses will be established.
PO3 The setback of buildings and structures: (a) maintains the amenity of adjoining lots and the residential character of the area; (b) achieves separation from neighbouring buildings and frontages.	AO3 No acceptable outcomes are prescribed.	Not applicable. The application is for reconfiguring a lot only and does not propose any new building.
PO4 Development is located, designed, operated and managed to respond to the natural characteristics, features and constraints of the site and surrounds. Note – Planning scheme policy – Site assessments provides guidance on identifying the characteristics and features and constraints of a site and its surrounds.	AO4 No acceptable outcomes are prescribed.	Complies. The proposal is simply for a boundary realignment. The proposed development will not adversely impact the existing natural features, namely the coastal scenery located within the eastern portion of Lot 6 and Lot 7.
PO5 Development does not adversely affect the residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.	AO5 No acceptable outcomes are prescribed.	Complies. The proposed development is simply for a boundary realignment and the existing dwellings and ancillary sheds will be retained. The proposal will not adversely affect the residential character and amenity of the area on the grounds that no increase in intensity or scale is proposed.
PO6 New lots contain a minimum area of : (a) 600m ² (in sewerage areas); (b) 1000m ² (in unsewered areas).	AO6 No acceptable outcomes are prescribed.	Complies. The proposed lots are greater than the minimum lot size for an unsewered lot being Lot 6 – 1,073m ² and Lot 7 – 2,973m ² .



P07 New lots have a minimum road frontage of 15 metres.	A07 No acceptable outcomes are prescribed.	Complies. Both proposed lot frontages exceed 15m in length
P08 New lots contain a 20m x 15m rectangle.	A010 No acceptable outcomes are prescribed.	N/A. There are no new lots to be created.

7.2.2 Coastal Communities Local Plan Code

7.2.2.1 Criteria for assessment

Table 7.2.2.4.a – Coastal communities local plan – assessable development

Performance outcomes		Acceptable outcomes
For self assessable and assessable development		Comments
Development in the Coastal communities local plan area generally		
PO1 Buildings and structures complement the height of surrounding development and buildings are limited to two storeys.	AO1 Buildings and structures are not more than 8.5 metres in height. Note – Height is inclusive of roof height.	N/A. No new buildings or structures are proposed as part of this development application, which is for reconfiguring a lot only.
For assessable development		
Development in the Coastal communities local plan area generally		
PO2 Development retains and enhances key landscape elements including character trees and areas of significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important to the Coastal communities' context (as identified on the Coastal Communities Townscape Plan map contained in Schedule 2).	AO2.1 Development provides for the retention and enhancement of existing mature trees and character vegetation that contribute to the character of the coastal communities, including: (a) the coconut fringed vegetation along the foreshore and esplanade areas; (b) low-lying melaleuca swamp lands and the mangrove communities along river banks and creeks. AO2.2 Development protects and does not intrude into important views and vistas as identified on the Coastal Communities Townscape Plan map contained in Schedule 2).	Complies. The proposed development, depicted in Proposal Plan RPS Drawing No. PR149451-1, will not result in any adverse impacts upon existing landscape elements and natural areas. The proposal is simply for reconfiguring a lot (boundary realignment). Complies. The proposal development is simply for a boundary realignment.
PO3 Development contributes to the protection, reinforcement and where necessary enhancement of gateways and key intersections identified on the Coastal Communities Townscape Plan map contained in Schedule 2.	PO3 Development adjacent to the gateways and key intersections as identified on the Coastal Townscape Plan maps contained in Schedule 2 and where permitted under the planning scheme, incorporates architectural features and landscaping treatments and design elements that enhances the sense of arrival and way finding within each coastal suburb.	N/A. The subject site is not located adjacent to a gateway or key intersection.
PO4 Landscaping of development sites complements the desirable qualities of the existing character of the coastal communities.	AO4 Landscaping incorporates the requirements of Planning scheme policy SC6.7 - Landscaping.	N/A. The proposed development is solely for a boundary realignment, no new development will be undertaken as part of the proposal.



Performance outcomes		Acceptable outcomes	Comments
Additional requirements for Precinct 5 – Wonga Beach Lifu Close precinct			
PO16 Lot reconfiguration is permitted only where adequate dedicated road access can be provided to each lot. Note - The provision of multiple rear lots off the top of the Lifu Close cul-de-sac does not represent an acceptable performance outcome due to the inadequate shape and servicing needs (in particular refuse collection) associated with the existing configuration of the lots.	AO16 Further lot reconfiguration in the form of additional lots does not occur.		Complies. The proposed development is solely for a boundary realignment and does not create any additional lots.

9.4.7 Reconfiguring a Lot Code

9.4.7.1 Criteria for assessment

Table 9.4.7.3.a – Reconfiguring a lot code – assessable development

Performance outcomes		Acceptable outcomes	Comments
General lot design standards			
P01 Lots comply with the lot reconfiguration outcomes of the applicable Zone code in Part 5.	AO1 No acceptable outcomes are prescribed.		Complies with AO1. The applicant has demonstrated compliance with the low-density residential zone code
P02 New lots are generally rectangular in shape with functional areas for land uses intended by the zone.	AO2 Boundary angles are not less than 45 degrees.		Complies with AO2. The proposed new boundaries have angles greater than 45 degrees
P03 Lots have legal and practical access to a public road.	AO3 Each lot is provided with: (a) direct access to a gazetted road reserve; or (b) access to a gazetted road via a formal access arrangement registered on the title.		Complies. The proposed development relates solely to a boundary realignment. Each lot will retain direct access to the gazetted road reserve being Bougainvillea Street.
P04 Development responds appropriately to its local context, natural systems and site features.	AO4 Existing site features such as: (a) significant vegetation and trees; (b) waterways and drainage paths; (c) vistas and vantage points are retained and/or		Complies. The proposed new boundary running through the rear of the existing Lot 6 will not cause any impacts to any existing significant vegetation/trees. There are no defined waterways or drainage paths over the subject site. There are no identified vistas or vantage points on or near the subject site.
Performance outcomes		Acceptable outcomes	Comments
		are incorporated into open space, road reserves, near to lot boundaries or as common property.	
P05 New lots which have the capability of being further reconfigured into smaller lots at a later date are designed to not compromise ultimate development outcomes permitted in the relevant zone.	AO5 The ability to further reconfigure land at a later date is demonstrated by submitting a concept plan that meets the planning scheme requirements for the applicable Zone.		N/A. There is no desire to further subdivide this land at a later date.

Existing access from Bougainvillea Street will be retained.

Performance outcomes	Acceptable outcomes
Structure plans	
<p>Additional requirements for:</p> <p>(a) a site which is more than 5,000m² in any of the Residential zones; or</p> <p>within these zones, and</p> <p>(b) creates 10 or more lots; or</p> <p>(c) involves the creation of new roads and/or public use land.</p> <p>or</p> <p>(d) For a material change of use involving:</p> <p>(i) preliminary approval to vary the effect of the planning scheme;</p> <p>(ii) establishing alternative Zones to the planning scheme.</p> <p>Note - This part is to be read in conjunction with the other parts of the code</p>	
<p>This component of the code is not considered relevant as the proposal only seeks to realign boundaries (i.e. 2 into 2 lots)</p>	

Appendix E Pre-lodgement Advice

From: [Jenny Elphinstone](#)
To: [Stacey Devaney](#)
Subject: Douglas Shire Council Advice RE: ROL Proposal 45 & 47 Bougainville St, Cooya Beach
Date: Wednesday, 15 September 2021 4:33:46 PM

CAUTION: This email originated from outside of RPS.

Hi Stacey,

Previous advice had been provided that was suggesting the proposal can be supported.

See the following plan that details the new smaller lot size. This area appears to be consistent with the minimum size and shape of lots for Low density residential zone in an unsewered area.

The application should demonstrate the position of on the onsite waste treatment areas etc,

Council's storm tide inundation tool can be viewed to see the impact of storm tide – but note in the application that the houses have already established on the land.

(See below the property report tool for the storm tide inundation tool.)

[General & Prelodgement Enquiries - Douglas Shire Council](#)

Council's fee and charges are on the website:

<https://douglas.qld.gov.au/council-information/rates-fees-charges/fees-and-charges/>

Please lodge the application through enquiries@douglas.qld.gov.au.

A invoice can then be emailed for the fee.

The application is code assessable and would likely be dealt with as a delegated assessment.

Of course, both property owners would need to consent to the application.

Is there anything else you require?

I am not available tomorrow, but back in the office on Friday if you need.

Kind Regards

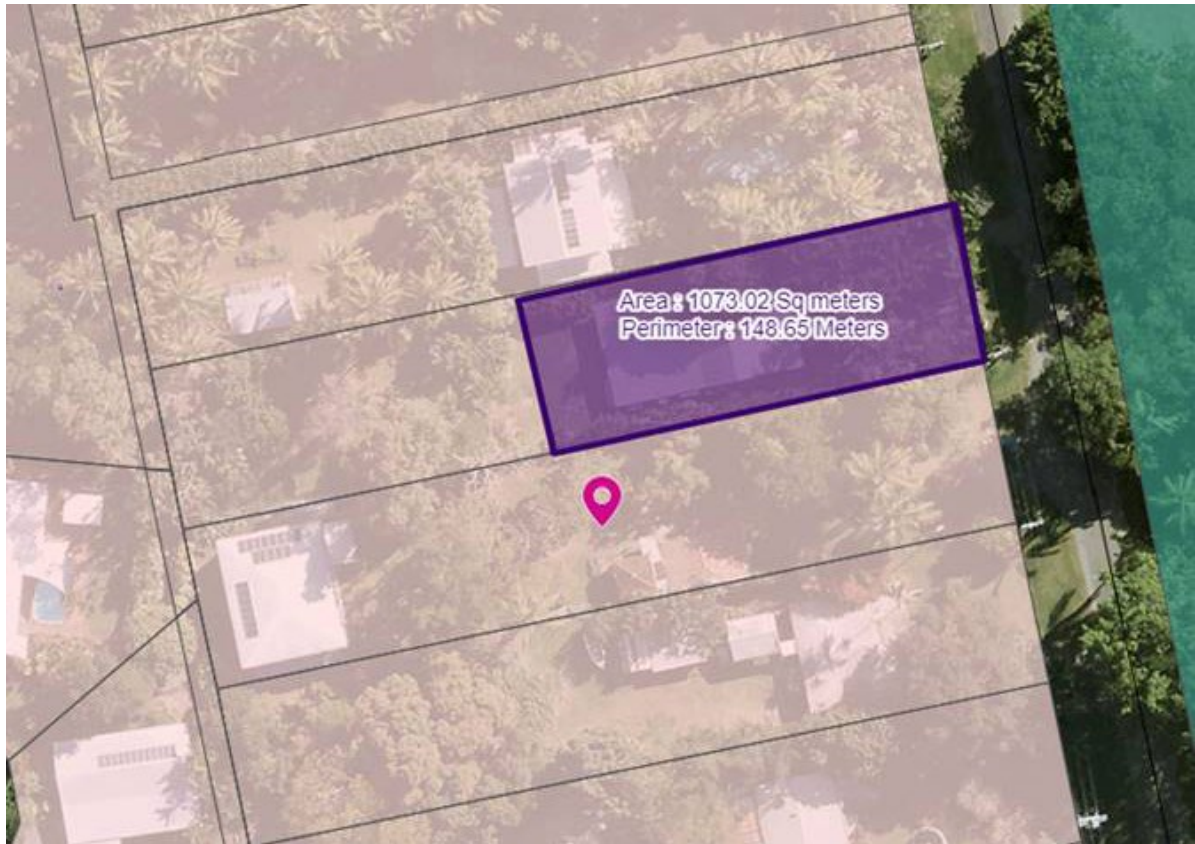
Jenny Elphinstone | Senior Planning Officer

Environment & Planning | Douglas Shire Council

P: 07 4099 9482 | **F:** 07 4098 2902

E: enquiries@douglas.qld.gov.au | **W:** www.douglas.qld.gov.au

Mail: PO Box 723, Mossman Q 4873 | **Office:** 64-66 Front St, Mossman Q 4873



From: Stacey Devaney <Stacey.Devaney@rpsgroup.com.au>
Sent: Wednesday, 15 September 2021 3:14 PM
To: Jenny Elphinstone <Jenny.Elphinstone@douglas.qld.gov.au>
Subject: ROL Proposal 45 & 47 Bougainville St, Cooya Beach

Hi Jenny,

I am seeking some pre-lodgement advice on behalf of a client.

The client is seeking to realign the boundaries for Lots 6 & 7 (refer to the rough proposal plan attached).

I note the lots are located in the Low Density Residential Zone, Coastal Communities LP, and are subject to a number of overlays, which need to be assessed, including:

- Bushfire Hazard;
- Coastal processes;
- Flood and Storm; and
- Landscape Values.

Initial review indicates that provided appropriate setbacks and existing servicing arrangement are maintained, the proposal would be compliant. From discussions with the client, on-site effluent for lot 6 is located towards the front of the lot.

Happy to discuss.

Kind regards.

Stacey Devaney
Planner
RPS | Australia Asia Pacific

D +61 742 761 033
E stacey.devaney@rpsgroup.com.au

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